

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Jamillah N. Griffin,  
Complainant

Vs.

CIVIL ACTION:

Energy Coordinating Agency (ECA)  
Respondent

**CIVIL COMPLAINT**

Motion to file a Civil Action Lawsuit against Energy Coordinating Agency (ECA)

Plaintiff/Complainant filed a formal complaint with the Equal Employment Opportunity Commission (EEOC) to its conclusion.

RE: Case Number 17F2020-61395 Discrimination based on Race (African-Haitian), Age, Color (Brown), Gender (Female), Nationality (American), Retaliation, Abuse of Authority, and Harassment

This is a letter stating a few incidences that occurred to reflect the extreme discrimination the Plaintiff endured at ECA.

Plaintiff was employed as a Full-Time Solar Project Manager/Math Instructor in the Training Department, under a 3 year contract paid for by a Government funded company called Philadelphia Energy Authority (PEA). Plaintiff's bi-weekly pay was paid for by PEA for teaching the Bright Solar Futures Students and School District of Philadelphia Students.

ECA has held and continues to maintain that contract with PEA. Therefore, Plaintiff should still be employed with ECA to-date.

Mr. Walt Yakabosky hired all Male and Latino Instructors (2 African Americans, Full-Time Males and 2 Latinos, 1 Male- Part-Time & 1 Female- Full-Time)) and 2 Latino Staff (1 Male, Part-Time and 1 Female, Full-Time (Same Person as the Instructor)

Mr. Walt hired staff that was younger than the Plaintiff (Dan, Andre, & Hugo) and Hugo was from another country.

**Eva Ortiz, Deputy Training Director (Latino Female):** She told Mr. Walt Yakabosky that Plaintiff did not need any additional training because she is smart and have many degrees. Therefore, he should only approve training for the other instructors (Male Instructors). Despite that Mr. Yakabosky approved and instructed Eva Ortiz to schedule Plaintiff for trainings (Internal & External Training Institutions), she willfully did not schedule the Plaintiff and totally disregarded Mr. Walt's directives to schedule the Plaintiff for trainings.

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Eva refused to provide Plaintiff with a copy of her signed timesheets, after Mr. Walt signed them. Once again, she ignored his directive to provide Plaintiff with the documents that she requested from her files. Mr. Walt did nothing about it. Eva was still upset that Mr. Walt chose Plaintiff to manage the Bright Solar Futures Program.

Eva told Mr. Walt that Plaintiff told Philadelphia Energy Authority Representative that they were misappropriating the funds. Mr. Walt called Plaintiff into his office based on hearsay and told Plaintiff "Stay in your lane and everything will be alright."

Eva asked Mr. Walt why he is approving Plaintiff for a new printer; she told him that she will give Plaintiff her printer and she can get a new one. Chris Gill (Maintenance Director) setup Eva's old printer in Plaintiff's office. It worked a couple days and stopped. Plaintiff informed Mr. Walt, Chris, and Eva that the printer was malfunctioning. The printer was never fixed and Eva Ortiz was ordered a new printer.

**Jeff Coulter (African American Male):** Jeff willfully did not train Plaintiff in WHASI (Whole House Air Sealant & Insulation) after Mr. Walt approved and instructed him to do so.

Jeff asked Plaintiff, "What? You going to be a WHASI Trainer now? I'm not training you. You should stay in the classroom teaching math and I do WHASI."

Plaintiff informed Mr. Walt that Jeff refused to train her; Mr. Walt neglected to address the issue.

Jeff would tell the students not to listen to the Plaintiff. Whenever the Plaintiff went to his station/class he would stop teaching and ask Plaintiff to leave his hands-on training station because plaintiff was distracting his students. That was not true, like other Male Instructors, Plaintiff had an equal right to visit his station/class during her break time. In fact, anyone had a right to stop and observe Jeff during his hands-on training for it is located in an open lab space. Despite that, Jeff would ask Plaintiff to leave and stopped teaching. Jeff would allow other Male Instructors to observe and partake in his teaching instruction, while denying this same opportunity to Plaintiff.

Like Jeff did with Eva, he went to the instructors (Males) and made false allegations about Plaintiff. He and the other male instructors stopped speaking to Plaintiff.

Jeff use to call Eva Ortiz Bitches, Witches, and a Back Stabber. He went to the Instructors (Andre', Jackie (Males), and Plaintiff) individually and as a group to complain about Eva and to ask if everyone (Instructors) had problems with Eva. Jackie admitted to having problems with Eva, but refused to report any problems to Mr. Walt in fear of losing his job. Jeff, Andre', and Plaintiff went to Mr. Walt and made complaints about Eva. Mr. Walt said that he would address the concerns, regarding Eva, but neglected to do so.

Jeff complained about Plaintiff being a Full-Time staff with benefits and Andre' Carpenter and Jackie Robinson remaining Contractors.

Jeff kept making mention that they have too many Instructors. As a result, they (ECA and Mr. Walt) should have never hired Plaintiff.

Jeff stopped speaking to Plaintiff after she requested to be trained in the WHASI Program that he taught. More disturbing, Jeff started calling Plaintiff Bitches, slamming the doors in the Plaintiff's face,

requested that she stop coming to his office to make prints (in the Instructor's Office), & talking about Plaintiff to other staff and students.

**Jackie Robinson (African American Male):** Jackie stopped speaking to Plaintiff. He began to make complaints about Mr. Walt hiring Plaintiff as a Full-Time staff while he remained a Contractor without benefits.

**Mr. Walt Yakabosky (Caucasian Male):** Hired all Male Instructors (Jackie Robinson - Contractor to Full-Time Training Instructor, Andre' Carpenter – Contractor to Full-Time Training Instructor, and Hugo Prieto, ECA Student to Part-Time ECA Training Instructor), Hired Former Latino Female Contractor as a Regular ECA Full-Time Instructor/Office Staff (Diana Ortiz), and Hired Male Latino Intern Student as an ECA Part-Time Employee (Dan)

Mr. Walt became upset with Plaintiff at the Bright Solar Futures Board Meeting because Plaintiff informed the Board that math is a crucial component in the program and all other Trades. In addition, more than 70% of the currently enrolled students as well as previous students (to include adult learners for this Trade) performed poorly on the entrance exam and continued to struggle throughout the Solar Course, with the more advance math (Trigonometry, Algebra, Percentage, Fractions, & Decimals). As a result, Plaintiff suggested that additional time be allocated for math instruction. All other Board Members agreed, while Mr. Walt and Spencer Wright (Solar Instructor) challenged Plaintiff in front of the Board (Arguing that additional time for math is not required and that additional time should be allotted for Spencer to teach Solar theory/concepts & hand-on training),

**Plaintiff was reprimanded for making that suggestion to add more time for math.**

The male Instructors were upset that Plaintiff was hired as a regular ECA Full-Time Employee with benefits.

Plaintiff was not afforded the same opportunities as the Latinos (Instructors and Students) & Male Instructors (African American and Caucasian) to receive training and licenses/certifications in internal and/or external training courses.

The Male Instructors were approved and/scheduled for both internal and external training courses to better equip them for their positions as well as transition them into new Trade Programs (HVAC - Jackie Robinson, Andre' Carpenter, Hugo Prieto, and Staff from Ryan Rex's Department). In doing so, they were able to transition from Contractual to Permanent Full-Time Employment and new Employment.

Plaintiff was the only Instructor (Female and African-Haitian American) whose position was terminated. Diana Ortiz was brought back as an ECA Full-Time Employee (Promoted from a Contractor).

The Green Renovation and Retrofit Student, Maggie (Latino Female) was approved and paid for to sit and obtain her OSHA 30 Certification, while all of the African American Male Students from her class were approved and paid for an OSHA 10 Certification. There were seats available, but Eva refused to schedule and let Plaintiff occupy the empty seat. Despite that Mr. Walt instructed her to allow Plaintiff to partake in the course (s).

Likewise, Eva willfully did not schedule Plaintiff for the Hazwoper class despite that Mr. Walt instructed her to do so and there were paid empty seats that needed to be filled. More importantly, Plaintiff was a Proctor who had to monitor students and/ External Test Takers for the Hazwoper Course.



### **Newly Employed/Promoted**

Diana Ortiz (Latino Female) – Hired/Promoted from Contractor to ECA Full-Time Office Staff/Instructor

Hugo Priesto (Latino Male) – Hired/Promoted from ECA Solar Student to ECA Part-Time Instructor

Dan (Latino Male) – Hired/Promoted from College Intern Student to ECA Part-Time Staff

Jackie Robinson (African American Male) – Hired/Promoted from Contractor to ECA Full-Time Instructor

Andre' Carpenter (African American Male) – Hired/Promoted from Contractor to ECA Full-Time Instructor

Plaintiff requested to be trained in HVAC immediately after Jackie Robinson (Contractor- Employee) to qualify for one of the available teaching positions for the HVAC Johnson Control Departments. Plaintiff was not given the same opportunity to train and obtain a position for HVAC. Instead, only the males (Contractors, Students, Part-Time, Intern, and males in other departments) were afforded an opportunity to train and gain employment in the HVAC Johnson Control Department.

Jackie and other males were trained to compete for the new and upcoming HVAC positions. Andre' Carpenter was trained along with a couple staff from Ryan Rex's Fieldwork Department.

NO TRADE PROGRAM CAN EXIST WITHOUT MATH; IT IS THE MOST ESSENTIAL COMPONENT OF ALL PROGRAMS IN THE TRADE INDUSTRY.

They did not stop the math courses because Philadelphia Energy Authority (PEA - Financially funded by the City of Philadelphia) requested that the students receive math on a weekly basis, totally 5 or more hours weekly.

Mr. Walt and HR Director Ruth Brown told Plaintiff the same day that it was her last day; Plaintiff was not given any prior notification leading up to her layoff. More disturbing, Plaintiff was told that Chris Gill would monitor and escort her to her office to clear out her personal belongings. That does not sound like someone who was laid off. It sounds more like a person that was terminated.

Plaintiff was the only person laid off in her department (Training Department). On numerous occasions, Plaintiff went to Mr. Walt Yakobosky and requested to be trained, in all the trades that ECA's Training Department offered, prior to the New Johnson Control HVAC Program. Plaintiff explained to him that this would help her to be more effective in which math subject (basic, trigonometry, algebra etc.) and hands-on activities that she needed to work on with each class and/or student (High School Students and Adult Learners).

While Plaintiff was laid off, two (2) African American Male Contractors (Jackie & Andre' were hired as Full-time employees, one (1) Latino Male Student Intern (College Student Intern - Dan) was hired Part-Time , and one (1) of my Solar Students (Latino Male- Hugo Priesto) was hired as a Part-Time Employee . In addition, Diana Ortiz, formally an ECA Contractor (Latino Female) was hired as Permanent Full-Time Instructor & Office Staff. They were all hired in the Training Department, which Plaintiff held a position in all areas listed below.

Philadelphia Energy Authority (PEA)

Solar Project Manager & Math Instructor

Certified Scantron Internet-Based Testing (IBT) Proctor

Certified in Environmental Protection Agency (EPA) Lead Safety Renovate, Repair, and Painting (RRP) Instructor

**TRADE PROGRAMS** (Plaintiff taught for ALL Programs listed below from Monday-Thursday)

**NOTE: Plaintiff was hired to teach Bright Solar Futures and the School District of Philadelphia Students; despite the Trade Program the Plaintiff was hired for, she was required to teach all students in all programs listed below.**

GRR

OIC

Solar

YOACAP

Aspira

EPA RRP

Bright Solar Future

SDP JCI (School Dist. of Philadelphia Johnson Control Institute)

You are required to learn and apply math in any type of trade program.

#### **TRAINING DEPARTMENT STAFF**

Mr. Walter Yakabosky, Training Director (Caucasian Male)

Andre' Carpenter, Contract Trade Instructor (AUG/SEP Hired as a Full-Time ECA Instructor; African American Male)

Jackie Robinson, Contract Trade Instructor (AUG/SEP Hired as a Full-Time ECA Instructor; African American Male)

Jeff Coulter, Trade Instructor

Eva Ortiz, Deputy Training Director (Latino Female)

Ms. Ortiz, Contractor Training Staff (AUG/SEP Hired as an ECA Training Staff; Latino Female)

Dan, Student Intern (AUG/ SEP Hired as a Part-Time ECA Training Staff: Latino Male)

Hugo Priesto, Solar Student (SEP Hired as an ECA Part-Time Training Staff)

#### **WHAT MAKES PLAINTIFF WHOLE/ REMEDIES:**

##### **FINANCIAL COMPENSATION**

**Reinstate Plaintiff without any lapse in pay or tenure**

- **Retroactive all lost hourly wages and medical coverage monthly fees**
- **Financially compensated for the stress, embarrassment, and inability to obtain meaningful employment**
- **Negotiable Financial Compensation for the Excessive Defamation of Character, Psychological, Emotional, and Physiological Distress**
- **Allow Plaintiff to keep all Credentials and have Plaintiff's name listed as the Certifying Trainer on Issued Certifications**

- If Plaintiff seeks legal representation, ECA be held responsible for paying any & all legal fees
- Provide Plaintiff with a letter of Public Service from date of employment to present
- Retro Pay (all hourly wages, money and overtime/travel pay /travel stay)
- Pay off Plaintiff's Student Loans and Reimbursement for trainings
- Pay Plaintiff for Medical Coverage during the period of layoff
- Pay Plaintiff \$50 monthly Cell Phone allowance
- Pay ALL medical bill and medical devices
- No lapse in employment tenure
- Pay ALL Attorney fees

### PROMOTION

- Promote Plaintiff with pay within the department and/or the program hired for
- Hire Plaintiff to train and certify students and clients in the various trade programs

### TRAINING

Requesting that ECA -- Pay for all training, certifications, and licenses to augment Plaintiff's Professional Development that is beneficial for both ECA and Plaintiff.

**NOTE:** ECA teaches and provides certification/licenses for most of the training courses listed.

More importantly, the male staff was provided training in many of the courses while the Plaintiff was denied the same opportunities.

- **CPR, First Aid , AED & Blood Bourne Pathogens Trainer's Training**
- **EPA Lead and Renovations Trainer's Training**
- **WHASI (Whole House Air Sealant Insulation Trainer's Training**
- **Heat, Ventilation & Air Conditioning (HVAC)**
- Authorized OSHA Outreach Trainer      OSHA 30      HAZMAT (Hazwoper)
- NABCEP Certification      CDL Driving Course      Forklift Training      TWIC
- Blood borne Pathogens First Aid & CPR      Asbestos      Mold
- Green Awareness & Lighting Services      Green Renovation & Retrofit (GRR)
- Introduction to Weatherization and Retrofit & the Weatherization Assistance Program
- OSHA 500, 501, 510, 5400, 5600, 502, 503, 5606, 5402
- OSHA 2264 Confined Space Entry      OSHA 7105 Evacuation & Emergency Planning
- OSHA 521 Guide to Industrial Hygiene      ICS 100,200,300,339,400,700,800
- NSC's Ergonomics: Managing for Results      NSC's Principles of Occupational Safety & Health
- BDL 083      BDL 084      BDI 085      BDL 086      BDL 087      BDL 088
- BDL 090      BDL 091      BDL 092      BDL 093      BDL 100      BDL 201
- BDL 206      BDL 210      BDL 211      BDL 213      BDL 325      BDL 330
- BDI 349      BDL 350      SAF 100      SAF 110      SAF 111      SAF 112



- SAF 115      SAF 302      CPR 111      WSC 202      WSC 300      TST 101
- TST 102      TST 103      TST 201      TST 202      TST 203      TST 204
- TST 350      TST 351      TST 352      TST 353      TST 354      TST 355
- TST 356      TST357
- All of the listed training would have augmented Plaintiff's skills to be a more effective Solar Program Manager/Math Instructor. More importantly, Plaintiff would have been provided the same opportunities as the Male, Latino, & Caucasian Instructors/Staff.

#### OTHER REMEDIES

- Cease management personnel from discussing Plaintiff's salary, travel, Tour of Duty, assignments, and any other personal information of Plaintiff's with subordinates or those who are not on a need to know basis.

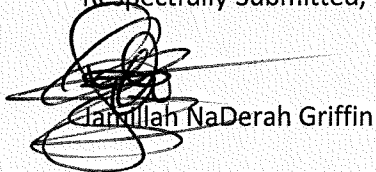
Plaintiff was the only African-Haitian female mentioned in this letter. The staff and discriminatory behaviors mentioned above made it difficult for Plaintiff to perform her daily duties.

All of the aforementioned problems are a result of Retaliation and Discrimination.

The statements contained are true and correct to the best of Plaintiff's knowledge, information, and belief.

Thanks in advance for your time, support, and understanding.

Respectfully Submitted,

  
Jamillah NaDerah Griffin

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